

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF BILLY R.
FETTERHOFF from the decision of the Board of
Equalization of Kootenai County for tax year 2006.

) APPEAL NOS. 06-A-2535
) AND 06-A-2536
) FINAL DECISION
) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THESE MATTERS came on for consolidated hearing December 13, 2006, in Coeur d'Alene, Idaho, before Board Member Vernon L. Driver. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant did not appear at hearing. Assessor Mike McDowell and Appraiser Steven Hagler appeared for Respondent Kootenai County. These appeals are taken from a decision of the Kootenai County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel Nos. 48N04W065600 and 48N04W065700.

The issue on appeal is the market value of residential properties.

The decision of the Kootenai County Board of Equalization is affirmed.

FINDINGS OF FACT

Parcel 48N04W065600

The assessed land value is \$60,839, and the improvements' valuation is \$311,511, totaling \$372,350. Appellant requests the land value be reduced to \$48,900, and the improvements' value be reduced to \$271,776, totaling \$320,676.

Parcel 48N04W065700

The assessed land value is \$60,871, and the improvements' valuation is \$98,038, totaling \$158,909. Appellant requests the land value be reduced to \$48,935, and the improvements' value be reduced to \$56,424, totaling \$105,359.

The subject properties are located about 10 miles south of Coeur d'Alene Idaho. Both

parcels include grazing land and are improved with homesites and residential improvements.

Respondent testified the subject properties were inspected for the 2006 assessment year. The valuation was determined from an analysis of 11 improved sales located in the subject geographic area.

Appellant submitted written letters, dated June 23, 2006 to the Kootenai County Board of Equalization and August 22, 2006 to the State Board of Tax Appeals. Appellant requests the assessed values be returned to the 2005 assessments.

Appellant wrote that buyers are not willing to pay more for property which includes the sights, sounds and smells of the landfill. Appellant maintained the County dump is located a quarter mile from subject. The approximate \$50,000 increase in assessed value of each property is unwarranted considering the location.

The County addressed the location of subject properties. The Appraiser explained that in the subject area, there are several other properties and many concerns have been voiced since the landfill was opened. Property in the area does sell and a property contiguous to subject sold in 2003, with a house currently under construction. The Appraiser noted that the new residence on subject Parcel No. 48NO4W06-5600 was built after the landfill was located in the area, across the road from the old house (also under appeal).

The Appraiser testified to being aware there could be an adverse affect on property values from the landfill, however, found no indication of any adverse impact. The assessed values were compared to sale prices to determine whether any landfill impact was evident. Three sales were close to subject and the ratios indicated the assessed values were within an acceptable range.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes.

§ 63-201. DEFINITIONS. As used for property tax purposes in title 63, chapters 1 through 23, Idaho Code, the terms defined in this section shall have the following meanings . . .

10) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant claimed subject properties were affected by their location near the County landfill and would not be as marketable as other locations.

Respondent did an analysis of sales in the area relative to the landfill and found no adverse market indicators.

In determining the value of property the assessor may and should consider cost, location, actual cash sale value and all other factors, known or available to his knowledge, which affect the value of the property assessed. Merris v. Ada County, 100 Idaho 59, 593 P.2d 394 (1979).

Although we find Appellants claim compelling, Respondent did an analysis of sales to determine whether any negative adjustment was warranted to the assessed values of subject properties. With no further evidence to support the reduction claim, we can not reduce the assessed value of the subject properties.

Therefore, the decision of the Kootenai County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Kootenai County Board of Equalization concerning the subject parcels be, and the same hereby is, affirmed.

DATED this 27th day of April, 2007.